

p. 855) says: "The first application is bona fide acted upon, after the lapse of a certain time. I find nothing requiring that the summons should be issued at the time of the application."

In *Reg. v. Austin*, 1 C. & K. 621, on the trial of an indictment for night poaching, it appeared that the offence was committed on the 12th January, 1844. The indictment was preferred on the first of March, 1845. The warrant of commitment by which the defendant was committed to take his trial was dated the 11th of December, 1844. The statute under which the defendant was indicted enacted that "the prosecution for every offence punishable upon indictment or otherwise than by summary conviction by virtue of this Act, shall be commenced within twelve calendar months after the commission of such offence." And it was held by Pollock, C.B., that the prosecution was shewn to have been commenced within twelve calendar months after the commission of the offence. The lapse of time between the commencement of the proceedings and the preferring of the indictment seems to have made no difference. See also *Reg. v. Brooks*, 2 C. & K. 402; *Reg. v. Parker*, 33 L. J. M. C. 135; *To Reg. v. Barret*, 1 Salk. 383, the head-note is: "If the information be in due time, conviction may be had at any time afterwards." The conviction was one for deer-stealing, and being returned on certiorari, the objection was taken that the conviction appeared to be a year after the day of the information, but it was held sufficient that the information be prosecuted a year after the fact, for that is a good commencement of the suit, and it is from that, that the computation is made in all cases.

Where the proceedings are commenced in due time by the laying of the information, the hearing and subsequent proceedings will be valid though postponed to a term beyond the period mentioned in the Act. *Oke's Mag. Synopsis*, vol. 1, p. 121. *Paley on Summary Convictions*, 8th ed., 101.

The information in the present case was laid on the 31st December, 1908. The reasons given by the prosecutor for the delay in issuing the summons until the 14th January, 1910, were that the act was new, and the police magistrate hesitated about making out the summons, as the defendant lived outside the jurisdiction. It was near the time of the session of the municipal council, and objection was raised to the expense of procuring outside counsel. The lawyer whom